

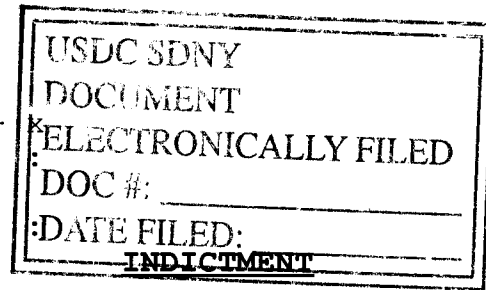
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

CARLOS PENA ONTIVEROS, and  
SILVESTRE RICO BELTRAN,

Defendants.



07 Cr.

07 CRIM

804

COUNT ONE

The Grand Jury charges:

1. In or about July 2007, in the Southern District of New York and elsewhere, CARLOS PENA ONTIVEROS, and SILVESTRE RICO BELTRAN, the defendants, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that CARLOS PENA ONTIVEROS, and SILVESTRE RICO BELTRAN, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

JUDGE KRAM

Overt Act

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York:

a. On or about July 22, 2007, CARLOS PENA ONTIVEROS, and SILVESTRE RICO BELTRAN, the defendants, transported approximately 7 kilograms of cocaine to the Bronx, New York.

(Title 21, United States Code, Section 846.)

**FORFEITURE ALLEGATION**

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, CARLOS PENA ONTIVEROS, and SILVESTRE RICO BELTRAN, the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

Substitute Asset Provision

a. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(1) cannot be located upon the exercise of

due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

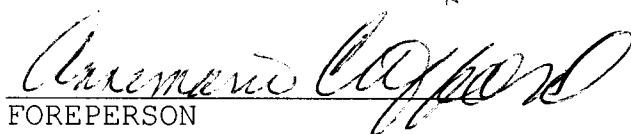
(3) has been placed beyond the jurisdiction of the Court;

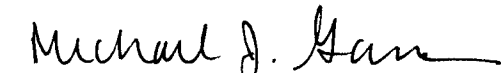
(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA**

**- v. -**

**CARLOS PENA ONTIVEROS, and  
SILVESTRE RICO BELTRAN,**

**Defendants.**

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**INDICTMENT**

07 CR \_\_\_\_

(Title 21, United States Code, Section 846)

MICHAEL J. GARCIA  
United States Attorney.

**A TRUE BILL**

  
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Foreperson.

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Filed indictment. Case assigned to Judge Kram.  
SRM 8/22/07 - Francis, J.